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Criminal Law—Searches and Seizures—Intoxicating Liquors

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flict separate injuries; and the application of this test, in *People v. Warren*, 1 Parker Cr. R. (N. Y.) 338 (1852), leads to the result that where two persons are killed by the same act of poisoning an acquittal of the poisoning of one is no bar to prosecution for the poisoning of the other, because there was a separate intent to poison each victim.

As to whether there may be more than one prosecution, as for separate assaults, where the defendant shoots at one person and hits another instead, there is another conflict of authority. For the view that such prosecutions would constitute double jeopardy, see *Spanell v. State*, 83 Tex. Cr. R. 418, 203 S. W. 357 (1918); for the contrary view, see *People v. Brannon*, 70 Cal. App. 225, 233 P. 88 (1925). The preponderance of authority seems to favor the former holding. (See also note, 2 A. L. R. 606, and cases cited.)

F. W. F. '27.

CRIMINAL LAW—SEARCHES AND SEIZURES—INTOXICATING LIQUORS.—Plaintiff arrested and part of his stock seized under warrant issued six days previously, with no evidence of any unavoidable delay in the service thereof. *Held*, that process must be executed in reasonable time where no time is named in process or law authorizing it, and intoxicating liquors seized under a search warrant so delayed in service is inadmissible as evidence. *State v. Wiedeman*, (Ill. 1926) 154 N. E. 432.

The matter of what constitutes a reasonable time is regulated in many states by statute, and penalties are imposed on officers who fail to comply with the requirement. In states where the period of reasonableness is not regulated by statute, it is determined according to the circumstances of the case, such as the distance to the place to be searched, the condition of the roads, the facilities for travel, and the demands made upon the time of the officer. If there is any delay, it must be entirely unavoidable. In *State v. Guthrie*, 38 Atl. 368, where the delay was three days, and could not be explained, the warrant was held void. In *Weston v. Carr*, 71 Me. 356 a delay of more than 24 hours was held unreasonable.

All searches and seizures must be reasonable (Const. Art. 2, Sect. 6), and a search made under a warrant which has become *functus officio*, by reason of its not having been served until six days after it was issued, is not reasonable. *Link v. Commonwealth*, 199 Ky. 778; CORNELIUS ON SEARCH AND SEIZURES, sect. 141. Where intoxicating liquors have been obtained under a search warrant not meeting the requirements of the Constitution, they will not be admissible in evidence. All the authorities seem to be agreed on these points, and the Supreme Court of Missouri unhesitatingly confirms them in *State v. Hude*, 297 Mo. 213.

D. C. J., '28.

EVIDENCE—EXPERT TESTIMONY—ADMISSIBILITY OF DECEPTION TESTS.—In a prosecution for rape the deposition of a doctor that he administered a "truth-telling serum" to the defendant and while under its influence the defendant denied guilt was offered in evidence on behalf of the defendant. The testimony was excluded. *Held*, the evidence was properly excluded as unworthy of consideration. *State v. Hudson*, (Mo. 1926), 289 S. W. 920.

The past two decades have witnessed increasing interest in the results of scientific study of human behavior. In the field of criminology only tentative deductions have been made and none of the deception tests yet devised support a claim of infallibility. Suggested tests are the "association word and time reaction"; the "respiration" or "internal excitement"; the "galvanometric"; and the "systolic and diastolic blood-pressures." For a discussion of these see, William M. Marston, "Psychological Possibilities in the Deception Tests," 11